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The Advocate

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The Advocate

Vol. XI No. 7

The Student Newspaper of Fordham Law School

February 27, 1980

Nat'l Moot Courters Reach Top 16

by Gwyneth Murphy

Fordham's National Moot Court Team lost to NYU in the second stage of the concluding rounds of the 30th Annual Noot Court Competition on January 30, at the House of the New York City Bar Association. Of the 167 law schools which entered the Competition, Fordham is one of the sixteen which made it to that stage, and one of the 27 which made it to the Nationals.

The Competition began last August, when the team received the Transcript of Record for *Micro-Wonder, Inc., v. Environmental Genetics Laboratory, Inc.*, (EN-Gen). The case presented the question, whether the Seventh Amendment requires, and Due Process allows, a jury trial in a complex patent infringement litigation. The Court of Appeals for the Twelfth Circuit (who hears all Moot Court cases), had reversed the decision of the Krypton District Court, allowing a jury trial, and the United States Supreme Court granted certiorari.

The argument against NYU concluded nearly six month of work for team members Jacki Hilly 3B,

Andy Tureff 3A, and Don Shuck 3A. The team was chosen last spring by a student-faculty committee. In August, the team began the exhaustive research for the brief, which went through eight drafts before being submitted in November. Fordham wrote for the respondent. Georgene Vairo, '79, a member of last year's championship team said "the brief was very strong, the best preliminary statement of facts I have ever seen."

The team prepared for oral argument for a month before the November Regionals, in which Fordham lost to NYU in the final round, and for two weeks before the January Nationals. Shuck spoke for the petitioner, and Tureff for the respondent, on the first issue. Hilly, who was named Runner-up Best Speaker in the Regionals, was the "swing" person — she argued both sides of the second issue.

Much of the preparation for orals was given to grueling practice arguments — two hours, twice a day, five days a week. Professor Maria Marcus, the team's advisor, described these practice sessions. "The team has to be prepared to



National Team members Don Shuck, Jacki Hilly, Jr. and Andy "Tuddy" Tureff.

face every possible question, even the most improbable. The practice sessions expose then to sudden shifts in questioning, unexpected surprise tactics. Admittedly, the work is hard, but they not only have to be able to think on their feet, they also have to be able to shift analysis at a moment's notice. The practices parallel preparation for a Supreme Court oral argument."

At each round, faculty coached the team on both the substance and presentation of their argument. Nothing was left untouched; pacing, rhythm, inflection, volume and non-verbal responses were critiqued. When they were not working with the faculty, the team grilled and coached each other.

"This was an all-consuming proposition," said Shuck, "the work is constant. Consolidating all

the information is very hard. If it weren't for the fact that we like each other, we would have gone crazy." Tureff agreed. "Luckily, we worked quite well together." he said "We're fairly compatible — which made it easier when we had to point out each other's weaknesses."

Professor Marcus worked closely with the team through all stages of the Competition. "It was a privilege to watch the team's development, and their eagerness to pursue every facet of the case. The consummate flair they displayed in the Competition, combined with total command of the substantive matter, was evident to everyone who saw them."

Michelle Daly '79, another member of last year's team, heard the Regional argument against N.Y.U. and was "very impressed — they

seemed thoroughly prepared." Dean McLaughlin, also present for that argument, commented on how very hard the team had worked and "how proud we are of them."

Fordham's participation in the Competition was not limited to the three team members. Hilly stated that "a real added factor was that so many people at Fordham — faculty and students — supported us. It goes without saying that Maria Marcus gave us a great deal of support, but also Hugh Hansen and Gail Hollister were extremely helpful. Moot Court is a good way to make friends."

Shuck said that the support and the enthusiasm of all the people at Fordham "kept us going when things were pretty bleak."

This support was most evident at the rounds against N.Y.U. The number of Fordham stu-

Continued on page 6

ILF Draws Praise

by Bob Hubbard

"Impressive" was the word used around school to describe volume 3 book 1 of Fordham's *International Law Forum*. The crisp and attractive format set off the well-prepared articles. The ILF is a welcome addition to the ranks of Fordham's scholarly publications.

The intensive effort put in by the staff and editors is obvious throughout the book; they all can be justifiably proud. ILF began this year in an "office" which was merely a cabinet that had housed the lost and found collected by the SBA. The

nent. The subscription list, currently at 65, is growing daily.

Continued growth and acceptance are major goals of the editors. The library is accumulating volumes, made up partially of exchanges with other legal publications. Unsolicited professional manuscripts have been received.

ILF plans to expand the editorial board and enforce a writing requirement. In order to be an editor next year a writing must be completed by the end of March; to remain on the staff, a publishable piece



International Law Forum Editors

publication had previously appeared only in mimeograph format and the discipline necessary for a quality journal seemed to be lacking.

A writing competition was held last fall and the staff and editorial board grew. Noteworthy faculty assistance came from Dr. Teclaff and Professors Sweeney and Hawk. Room 048,

although small and without separate thermostat control, became the ILF office. Funding was increased to \$5,500, and the faculty changed ILF's status from experimental to permanent by the end of the summer. Volume 3 book 2 should be available by the end of the school year. Another writing competition is planned for the summer.

Law Women to Attend National Conference

by Joanne Dwyer

Women have achieved a lot of firsts—first woman senator, first woman governor, first woman to vote, first woman Alaska pipeline fitter. What more do we want? I think we want seconds.

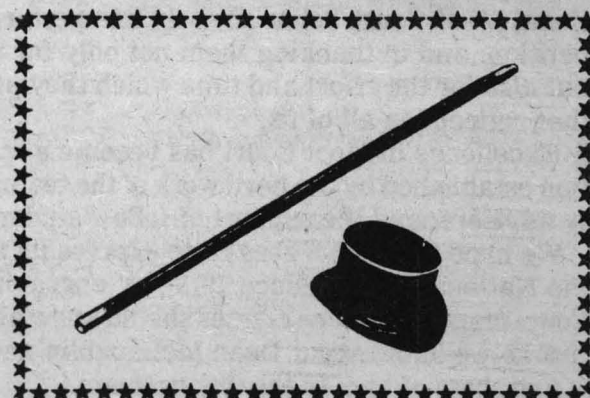
—Bella Abzug, speaking at Barnard College.

The 11th National Conference on Women and the Law will be held in San Francisco, California from February 28 to March 2, 1980. Eleven years ago, 50 women law students and lawyers gathered at NYU Law School to discuss legal issues affecting women. This year, 3,000 women are expected to participate in the conference, which provides a unique opportunity for acquiring substantive knowledge and practical skills to deal effectively with the concerns of women in the legal system. The 160 workshops will address such diverse topics as career alternatives, domestic law, labor law, employment, and immigration law. Examples of specific workshops are: Trends in Negotiating Women's Issues in Contracts, Alternatives to Criminal Prosecution for Victim/Witnesses, The Politics of Aging, Abortion Legislation Strategies, Litigating the Title VII Class Action, and Energy Resources: Impact on Indian Tribes.

Fordham Law Women plan to send three representatives to the conference this year. To achieve this goal, a raffle will be held, with tickets on sale from February 18-28. The prizes include Broadway theatre tickets for two to *Sugar Babies*, and dinner for two at Tavern on the Green and the Maestro. Dean McLaughlin will preside at the drawing, which will be held on February 28. A successful raffle will enable Fordham to be counted among the law schools par-

ticipating in the 11th National Conference. Tickets will be sold through class representatives of Fordham Law Women and will be available in *The Advocate* Office, Room 048A, across from the cafeteria. Tickets are \$1.00 for one chance, \$1.50 for two, and \$2.00 for three.

Fordham Law Women held the first of a series of planned pot-luck dinners on February 8, 1980. The combination of fine food, good drink, warm atmosphere (the fireplace was superb) and exceptional company created a spirited evening as far from the halls of Fordham as one could long to be. Special thanks to the hostess and women's music coordinator, Laurie Braun. Although the first dinner was limited to women law students, the next pot-luck will be open to all. For those who couldn't decipher the cryptic poster message, B.Y.O.F. and E.E.E.F. explains the basic theme of a pot-luck dinner: Bring Your Own Food and Eat Everybody Else's Food. The date for the next dinner will be announced.



Editorials

Reinforcements Needed

Columbia has approximately 1000 students and 12 people in administration. NYU similarly has almost 1100 students and 8 people running the school. Fordham, with 1098 students, tries to run a law school with four people. If there is anybody left who hasn't noticed, it doesn't work. This is a plea to the Administration of this School, President Finlay, the Trustees: four people cannot run a modern, competitive, vibrant law school. Too much that needs to be done either doesn't get done or is dropped in the laps of students. We need a Dean of Students, to be cognizant of and interested in tackling the difficult problem of being a law student. We need a person who is responsible to and for the Night School. Let's face it. The night students get cheated by this school every day in every way. We need an assistant director of placement to help Elizabeth Walters help us approach an impossibly tight job market.

We know what the reaction to much of this will be. "Bunch of damn crybabies. When I was in the Law School, I worked in a coal mine from 5 a.m. to 9 a.m.; then walked seven miles through the snow to get to my Torts class. There were no seats; we all stood in class. Placement Office? I walked door to door with my resume in my teeth." That may be true. But it is clearly irrelevant. It's 1980 and we are faced with problems unknown to the students of past generations.

A decision is going to have to be made. Is Fordham going to wave goodbye to the Columbia's and NYU's vanishing in the distance? Is it going to sit still while newer upstart law schools zoom past?

The morale of students is low. The energy level of faculty and administrators seems to be low. We all need a commitment from the President, the Trustees, and the Alumni that Fordham Law School is prepared to pursue the difficult course of excellence as an institution of legal learning. And commitment means money.

The Write Way

Diversity of opportunity has always been one of the selling points of a legal career. But no matter on what point on the legal spectrum we find ourselves after graduation, there will be one constant. Writing. All lawyers must write. And it is hoped that they will be able to write logically, concisely, understandably and with a modicum of style.

Traditional law schools (Fordham among them) have often preferred to ignore or give lip service to the difficult problem of teaching legal writing. One reason they have been able to do this is that the teaching of writing and research, which requires time and personal attention from both teacher and student, has been turned over to the law review.

Once solely a prize for the academically privileged the legal writing training given by law review-type publications has been broadened by the proliferation of new journals (demonstrated at Fordham by the excellent new International Law Journal). But two problems remain. This vital training is not available to all and it also remains insufficiently rewarded.

The School can make two changes in curriculum to insure that no student leaves Fordham without an extensive legal writing experience, culminating in a publishable paper. (It is assumed here that the first year legal writing course gives only the most basic training, hardly enough to go out in the world with.) First, it should be a requirement for graduation that every one complete such a paper, either as a result of journal activity or by taking one paper course, the number and breadth of which should be expanded. It is true that Fordham hardly needs another required course, but it seems clear that a rigorous writing requirement would have a more universal usefulness than, for example, Corporations, which could easily be an elective for those so inclined. Second, such written work, whether on a journal or in a course, should be rewarded with two credits. Most law schools reward law review activity in this way and it can only improve the pool of members and thus the quality of the journals by increasing the rewards of membership.

Judges, laymen and even other lawyers are constantly complaining about how poorly lawyers write. By enacting these proposals, Fordham can take a step toward guaranteeing that its graduates won't have to be the object of such criticism.

A Job Well Done

We join the entire Law School community in congratulating the National Moot Court Team on their fine performance in the National Competition, and in thanking them not only for the outstanding job they did but also for the effort and time which they put in. They really shone, and that reflects on all of us.

Excellence in Moot Court has become a tradition at Fordham, a tradition established by the hard work of the teams, the dedication of the faculty advisors, and the support of fellow students.

We hope the school sees fit to express its appreciation and pride to all the National Teams since 1975—by engraving their names on the Moot Court plaques. Future classes should know about Andy, Jacki, and Don—just as we know about Dean McLaughlin and Professor Lanzerone.

And, best of luck to the Jessup team.

Don't Get Caught in the Draft

by Gara LaMarche

Finding ourselves fighting the draft again brings about an uneasy sense of déjà vu for the American Civil Liberties Union. The Union was founded in 1920 by activists from the National Civil Liberties Bureau, a group formed to assist conscientious objectors during World War I. The ACLU challenged the draft throughout the Vietnam War period and provided legal assistance to thousands of young men. Only last summer, together with dozens of other religious, political and civic groups, the ACLU succeeded in beating back a Congressional proposal to restore registration for the draft.

The margin of victory—nearly ninety votes—seemed comfortable at the time. But that was before Iran and Afghanistan, and before the President decided to put the weight of his office behind renewed draft registration. Public, Congressional and editorial opinion are now thought to be leaning heavily toward approval of the President's registration scheme.

The President has taken pains to point out that he is only proposing to start up registration, and that he does not favor an actual draft at this time. Although there are many hardliners in Congress who would welcome the return of the draft itself, there are many more who aren't ready for it and who are inclined to accept the President's rationale that registration is a prudent measure of preparedness.

It is illusory to separate registration from the draft. Whether accomplished directly or through the back door of universal registration, a draft is nothing less than a form of involuntary servitude prohibited by the Constitution. This is so antithetical to the American value in personal freedom that it can only be justified by the most compelling necessity. No such need now exists.

Not only is registration the first step toward an unconstitutional peacetime draft, but it poses considerable threats to personal privacy and autonomy. In all the talk and writing about registration in recent weeks, it has been all but neglected that registration is a lot more than simply giving one's name and address. Current law requires registered persons to carry an identification card at all times, and notify their local draft boards when they change their address, temporarily leave the country, and in some cases, change jobs. The present Selective Service Act mandates physical and mental classification and according classification "as soon as is practicable" following registration.

How would the Selective Service System go about identifying the pool of draft-eligible young persons? Well, 1984 may come a few years early. Computer technology and data-matching have come a long way since the draft was ended in 1973, and the Selective

Service System now has the potential for far greater intrusions into the lives of Americans. Some members of Congress have proposed to change the law to give the draft agency access to public and private school student records, driver's license information, and voter registration lists. A Congressional Budget Office study suggests that Internal Revenue and Social Security System data be merged by computer to locate 85 percent of draft-eligible persons within five days.

In addition to the danger of massive invasions of privacy, draft classification has in the past been Draconian in its implementation. Registrants were routinely denied due process of law. Young men became criminals for disobeying verdicts of local draft boards—verdicts which were issued without the right to counsel and without the benefit of judicial review prior to induction. And it is well known that the classification system favored the wealthier, more educated groups and discriminated against the poor segments of society. The injustice of the classification was one of the reasons for the move to the All Volunteer Force.

Has the All Volunteer Force been such a failure in meeting the nation's legitimate security needs that it needs to be scrapped in favor of the Leviathan posed by the return of registration and conscription? Some would have us believe this, but it is at odds with the conclusions reached in a two-year Department of Defense study completed early last year. The DoD study showed that enlisted personnel are within 1.5% of Congressionally authorized levels, that more enlisted personnel are remaining in the service than during the draft, and that disciplinary problems have been dramatically reduced—court martials are one-third of the number during the draft and desertions have dropped by half.

If the nation's present military needs are being met, is universal registration necessary so that troops can be mobilized quickly for a future national emergency? Not according to recent studies. The Congressional Budget Office reported late in 1978 that inductions could begin only 13 days sooner with peacetime registration. The 13 days saved would not produce inductees any sooner because of the time it would take to expand training facilities.

The draft is a massive invasion of constitutional rights. Registration is inseparable from the draft and assaultive of privacy and autonomy. The volunteer army is meeting present needs adequately. Peacetime registration will not get troops into battle faster in a time of actual national emergency.

Gara LaMarche is Assistant Director of the NYCLU.

The Advocate

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Fordham's Not a Gay Place

[A]n homosexual is, after all, a human being, and a citizen of the U.S., despite the fact that he finds his sex gratification in what most consider to be an unconventional manner. He is as much entitled to the protection and benefits of the laws and due process fair treatment as are others . . .

Judge Phillip Neville
McConnell v. Anderson,
316 F. Supp. 809, 814
(D. Minn. 1970)

When I first entered Fordham Law School I began a period of my life which is best described as a time of "sane schizophrenia." In addition to the usual anxieties and pressures with which first year law students are confronted, I felt the need to conceal a basic part of my personality—my sexuality.

You needn't be exceptionally aware or perceptive, when going through the process of recognizing that you are gay, to notice that if your true nature is discovered your life could very well be ruined. One bad experience is enough to teach you that ostracism and contempt are often the only alternatives to concealment. The legal profession, especially to an outsider having little contact with it, seems to be the bastion of all the attitudes and prejudices which can so completely oppress homosexuals in society at large. Before starting my legal studies, I already knew that under the laws of this state, the way in which I expressed my feelings for my lover of years made me a criminal, and exposed me to the possibility of disbarment from my future profession. Thus, being homosexual, and having only slight experience in the legal world, I came to Fordham afraid that my real life, the life in which I am able to acknowledge my feelings, my relationships, my self, was completely inconsistent with a life in law. Unfortunately, my worst fears were realized here.

There is something about Fordham which is noticed and commented on by a large number of students, not only gays; something which, though hard to pinpoint and describe, permeates the atmosphere. A recent issue of *Advocate* described it as the attitude of *semper eadem*—"that's how it's always been done." That attitude has led to a sentiment, often expressed, that we are functioning within "a place where time has stopped." After a while, though, that feeling numbs and we settle in for the duration. We must learn to accommodate the occasional feelings of frustration.

Coming into this atmosphere of the self-satisfied status quo, it is very convenient, I feel compelled to say attractive, for a gay person to suppress any indication of her of his true self. We live in New York, a city with a prominent and quite open gay community, but at Fordham, gay students learn to be invisible. We become practiced in the art of deception regarding our own lives. We are thus turned into accomplices in our own oppression. We allow the fact of our presence to go unnoticed and the issue of our rights to go unmentioned.

As law students, we should all be aware of the importance, the necessity, of legal safeguards for our basic civil rights. We should be equally aware that homosexuals, as homosexuals, have precious few protected rights. This is a reality which should engage the interest and concern of all of us

who care about civil rights and human dignity, not just the gays among us. Instead, at Fordham, not only is the issue of gay rights avoided, but the very existence of homosexuality seems to have escaped notice. We sit in class and discuss the rights of women, Blacks, Indians, prisoners, the poor and the insane. But no one—not the professors, not us—raises the question of gay rights.

If allowed to remain unchallenged, this situation and the resulting myth, that there are no gays at Fordham or in the profession, will be perpetuated. This can not be allowed to happen. Such a myth only supports the greater and more dangerous belief that the only homosexuals are those flamboyant, obvious homosexuals, who fulfill all of the stereotypes. The variety of ways of being gay is as diverse as the different ways of being heterosexual. It is unfortunate that such an obvious point still needs to be made.

The situation at Fordham, which is so capable of inflicting private suffering and wasting valuable talent, is not inevitable.

In recent months, I have met a number of gay lawyers and law students in the New York area. The lawyers have shown me the fallacy of the idea that being gay and practicing law are mutually exclusive. These gays are involved in all areas of the legal profession—Wall Street, government agencies, as well as civil rights work. They have all found ways to combine the reality of their sexuality, with the practice of law, without harming either.

At the same time, the experiences of gays at NYU and Columbia Law Schools demonstrate that law school itself need not be as oppressive and intimidating as it is to gays at Fordham. Both of these schools have active and successful gay rights groups. NYU's, the longest-lived in the area, has been so successful in clearing away old prejudices and bigotry, that the school now includes information on the gay student's group with the first year registration packet. This year, some of the first year students were even presented with a gay rights problem in their legal writing courses.

More important for the purposes of this article, I have recently met several lesbians and gay men at Fordham. Despite my initial belief to the contrary, I am not alone. The institutionally-induced, self-propagating conspiracy of silence at Fordham has been exposed. It must be destroyed.

If the publication of this article is to have any lasting effect, and it is my hope that it will, it must be followed up by the formation of a group of Fordham Law Students for Gay Rights. Such a group would be open to interested members of the Fordham community, not just gays, who see the struggle for recognition of gay rights for what it really is: an attempt at achieving legal equality for a group of people who have been systematically oppressed and denied their basic rights out of prejudice and ignorance. The closet door cannot be permitted to slam shut again at Fordham, obstructing truth and inflicting pain. We will all benefit, as individuals and as a school, if the real issues of the world outside of Fordham are allowed to be aired and debated within its halls.

Gay students at Fordham do not wish to impose themselves on the rest of the university community. We merely

wish to be accepted for ourselves, without reference to our sexual preference, and without fear of discovery of punishment. It would be wonderful if one day I could spontaneously grasp my lover's hand without a nagging fear of being seen. It would be a major development if, before I graduate, I could write another article and sign my name to it.

Within the next few weeks, notices will appear with the details of time and place for a first meeting of Fordham Law Students For Gay Rights.

Suggested Reading:

Dennis Altman, *Homosexual: Oppression and Liberation*. N.Y.: Dutton, 1971.

Howard Brown, *Familiar Faces, Hidden Lives*. N.Y.: Harcourt, Brace, 1976.

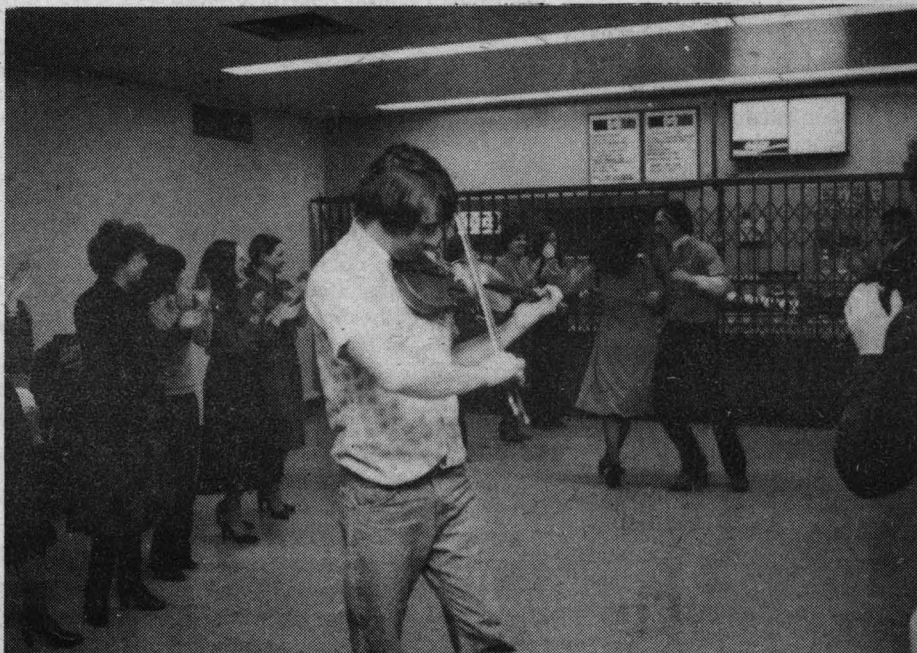
Sally Gearhart and William Johnson, *Loving Women, Loving Men: Gay Liberation and the Church*. San Francisco: Glide, 1974.

Clinton Jones, *Understanding Gay Relatives and Friends*. N.Y.: Seabury, 1978.

George Weinberg, *Society and the Healthy Homosexual*. N.Y.: Doubleday, 1973.

The best recent discussion of the legal condition of gays in the U.S. can be found in 30 *Hastings Law Review*, No. 4, pp.799-1181. This issue is devoted to a symposium on Sexual Preference and Gender Identity, and contains several exhaustive articles on various aspects of gay life and the law.

Night Owls Get Down at Hoe Down



• NIGHT STUDENTS SWING: Steve Miller fiddles while dance floor burns at 1E Bash.

by Mitchell Shron

It was a rough week for serious students. The Law School suffered three setbacks that shook our normally tranquil halls. Within a seven day span, the first year evening students threw a gathering, a/k/a hoedown; the first year threw a Valentine's Day tang; and free foosball arrived to wile away the empty hours of Fordham students.

On Thursday, February seventh, after a rousing Torts class, 1E sponsored a BYOB. While the class supplied the B, 1E supplied a glimpse of one of the hottest new talents to saw a tune on the fiddle, 1E's own Steve (Animal) Miller. Steve's repertoire included such diverse elements as bluegrass, C/W and Irish tunes. It all fell into place as Jonathan Walsh got up and called a Virginia Reel. Jon's skills came to us by way of the Adirondaks. On the whole, the gala was enjoyed by all, well beyond the confines of the first evening.

One week later, the first year spon-

sored the first official tang of the year, while St. Valentine's Day may be traditionally associated with beer blasts, the Reding Room crowd had no objections.

Scheduling was perfect. 4:30 allowed day students an opportunity to unwind after a grueling day while giving ample opportunity to the evening class to tank up for a grueling night. While they could not boast live music, D.J. K.J. spun records to suit every mood, from the B-52's to Motown to the Stones.

Finally, the latest word in pinhead's delight—Fordham was graced with an honest to goodness freebie; a foosball table that does not eat quarters. Plans are presently under consideration to install showers and intravenous to service the pinball pit.

So, while the hard working library denizens buried themselves up to their briefs, the serious, party population of Fordham lost themselves in a flurried frenzy of debauch delight.

Mooters Prepare For Spring Contests

by John Newell

Besides the National Moot Court Competition, in which Fordham has lately been a dominant force, the Law School enters four other extramural competitions—Jessup, Kaufman, Sutherland and Wagner—which hold oral arguments this spring. Some twenty students will represent Fordham in these competitions; they are advised and encouraged by Professor Marcus, who has successfully argued a number of Supreme Court decisions.

Oral arguments for Jessup, a competition which features current issues in international law will be coming up next week. In this, the year that Skylab fell, students will be briefing and arguing a case involving a satellite and aircraft disaster. Fordham's team of Anne Avellone, Thomas Fuerth, Steven Miller and William O'Connor can be seen in the Eastern Regionals at New York University Law School on Saturday, March 1st at 1:30 and 3:45 and on Sunday, March 10 at 10:00 and 1:00. Regional United States winners will go to Washington in April to compete against other North American Schools, as well as schools from every other continent except Antarctica.

Later in March, Fordham will join forty other schools for the Wagner Labor Law Competition, hosted by New York Law School on March 27-29. Representing Fordham will be Daniel Gibbons, Bonnie Grigoropoulos and Andrew Heller, arguing for petitioner. The case involves the collective bargaining activities of residents, interns and clinical faculty at a hospital. Each year the Wagner attracts a distinguished group of panelists, including labor law practitioners, judges and academics, such as Archibald Cox, co-author of the labor law casebook used at Fordham.

In April, Fordham will send a team to Catholic University in Washington, D.C. to compete with Catholic, Cornell and Yale for the Sutherland Cup, in a competition involving constitutional law.

Also in April, Fordham will host the Kaufman Securities Law Competition, named for Irving R. Kaufman, Chief Judge of the Second Circuit Court of Appeals. This year, teams will come from as far away as California to compete in the Kaufman and taste the Big Apple.

More about the Kaufman and Sutherland competitions will appear in coming issues of *The Advocate*.

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Newsbriefs

The American Bar Association's Criminal Justice Section recently announced sponsorship of the 1979-80 Alan Y. Cole Student Essay Contest.

The subject area for this year's contest is "The Exclusionary Rule: Do We Really Need It?" The winner, to be announced in July, will receive a \$300 cash award. Essays will be judged by a three-member panel of section volunteers.

The contest is open to all students enrolled in ABA accredited law schools except candidates for advanced law degrees and ABA employees.

Entries may consist of a discussion of case law, litigation techniques, or any legal discourse which might further advance this field of law. Papers prepared for the 1979-80 school year are eligible, but published articles or those which have been accepted for publication are not.

Papers should be postmarked by June 30, 1980, be double- or triple-spaced and not exceed 50 pages including footnotes. Entrants should include their name, permanent and temporary addresses and telephone numbers, name of their law school and their year in school.

Essays should be mailed to: Coordinator, Law Student Essay Contest, ABA Criminal Justice Section, 1800 M Street, N.W., 2nd Floor South, Washington, D.C. 20036.

For further information, please contact Marcia Christenson, ABA, Criminal Justice Section, 1800 M Street, N.W., Washington, D.C. 20036, (202) 331-2260.

The Insurance Counsel Foundation is sponsoring a student Essay Contest on the subject of "Any Insurance Related Subject, Including Trial Practice of Insurance Litigation." First Prize is \$2,000,

Second Prize is \$1,000, Third Prize is \$500. Second and third year law students are eligible. Essays should be 10,000 to 20,000 words, double-spaced on 8½ and 11" paper, written in Blue Book Form. An original copy must be submitted by May 1, 1980. Each essay must be written by one author, may not have been previously published or submitted to any contest.

"By submission, each entrant thereby assigns to the Foundation to return and release the assignments of the rights of all but the three winning essays and any other that the editor of the Federation of Insurance Counsel quarterly considers worthy of publication." (Sic)

For information write American Bar Association, Law Student Division, 1155 E. 60th St., Chicago, Ill. 60637.

FAMILY LAW ESSAY CONTEST
The Howard C. Schwab Memorial Award Essay Contest is conducted annually by the Family Law Section of the American Bar Association in cooperation with the Toledo Bar Association and the Ohio Bar Association as a memorial to Mr. Schwab. The purpose of the contest is to create a greater interest in the field of Family Law among all law students of the nation, and particularly the Law Student Division of the ABA.

All second and third year students enrolled in ABA-approved law schools are eligible to compete.

Each entry shall be the work of a single individual. The subject matter may be any aspect of Family Law which the contestant chooses. Suggested length is about 3,000 words though it is not limited to this amount. Essays scheduled to be published, and/or essays which have previously been published, are ineligible for consideration.

Prizes are \$500 for first place, \$300 for second place and \$200 for third. Judges will be designated members of the Family Law Section.

Law students desiring to enter the contest should write to Howard C. Schwab Memorial Award Essay Contest, Section of Family Law, ABA, 1155 East 60th Street, Chicago, IL 60637 requesting an entry form which must be completed and returned with the essay.

The Fordham Law Alumni Association will hold its 31st Annual Luncheon March 1st.

The guest speaker will be famed defense attorney F. Lee Bailey. Dean McLaughlin will deliver his annual state of the Law School address.

(Ed. note: Perhaps the Dean will have his speech videotaped so students might be able to find out the Dean's views on the State of the School.)

Consensual sodomy is now legal in the Fourth Judicial Department. (The chartered bus leaves at 8:30.)

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Notes on People

We bid a fond farewell to our cafeteria cashier Lucy, who has been transferred over to Lowenstein. The plucky Lucy is beloved by the students for being the second-fastest change-maker in the



Photo by B. Werbin

Lucy

neighborhood. Her sweet smile and finger-snapping disco will no longer enliven our cafeteria.

The Law School has not suffered, however, for we have gained in her

stead the services of the experienced Daisy Barnhill, who worked at Fordham for seven years.

Having previously served in the cafeteria at Lowenstein, she is one of Steve Smith's most trusted employees. Commenting on her move to the law school, Daisy said, "Lowenstein is where the action is, but I think the law students are pretty nice, too."

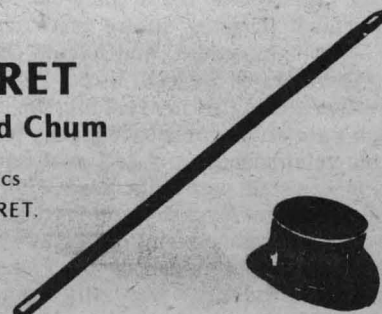


Photo by B. Werbin

Daisy

life is A CABARET Old Chum

singers, dancers, actors, comics needed! Be in the FLS CABARET. Leave note in SBA Office by Monday, March 3.



SBA President Responds

Dear President Finlay:

Enclosed please find a seven page petition signed by members of the graduating class of Fordham Law School. While I believe the Preamble speaks for itself, a few short remarks may help to clarify our position.

In a letter to Dean McLaughlin dated January 14, 1980, Dr. Reiss argued the University's case in support of the substantial tuition increase recently approved by the Board of Trustees. A portion of his letter is directed toward a letter Ed Finneran (Chairman of the Student-Faculty Committee) and I wrote to the members of the University Board of Trustees. There, Dr. Reiss refutes our claim that the law students should not have their tuition dollars used to finance the University Relations office or the Computer Center. While not agreeing with his analysis, let me point out that Dr. Reiss never mentioned the six other objectionable surcharges levied on

the law students discussed in our letter to the Trustees (i.e., Dean of Students Office, Financial Aid Office, Counseling Center, Campus Ministries, Radio Station, University Commencement). If silence be consent, then I assume Dr. Reiss accepts our arguments on those points.

Let me emphasize that the students who signed the petition have in no way restricted their right to contribute to the law school directly. Rather, this action is intended to limit only those contributions going to the University in general.

I would also be remiss if I did not express my personal appreciation to Dr. Reiss. He has had the difficult job of being the intermediary during this difficult period, and has remained throughout a dignified and respected officer of the University.

I know I speak for all students when I say we truly regret this action. The circumstances, however, leave us little choice.

Sincerely
Robert E. Patterson

Petition signed by Seniors:

The following members of the class of 1980 of Fordham Law School, in reaction to the unjustified tuition increases of the past, and especially to that recently announced for the 1980-81 academic year, do, by signing this petition, express their intention not to contribute financial support to Fordham University after graduation from the Law School.

Dance class will resume
Thursday, February 28, 3:15 p.m.
in Lowenstein Chapel

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CES tape on "How to Take Law School Exams" by Professor Michael Josephson.
Value — \$12.75.

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A special Preferred Student Discount card which entitles you to a continuous 10% discount on items published by, and ordered directly from the Center for Creative Educational Services (CES) including *Sum & Substance* books and tapes; *Essential Principles* outlines; briefing pads; and short form note pads. Value — depends on use.

50% Tape Coupons

Two 50% cash discount coupons on any CES tape series on any subject. Value — up to \$30.

Rollback Bar Review Tuition

When a NAFI member enrolls in a BRC course, all money paid goes to and freezes bar review tuition at last year's price, saving at least \$150 from anticipated 1981 and 1982 prices.

Offer expires March 21

NATIONAL ALLIANCE TO FIGHT INFLATION
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See a campus rep or call a local office for details.
New York Office: 212/344-6180
Massachusetts Office: 617/267-5452



A Short Story

The Sunday 2 A.M. Observer

Dear Wellesley,

I was talking to an old friend of mine, Onius Huff, in mid-July when we got to talking about President Carter's recent purge. Onius and I had just finished one of our usual conversations about men's fashions. Onius, as usual, trying to hide his rustic Maine origins, went on and on about how so many fellows look so gauche by wearing those ugly imitation Brooks Brothers suits with the too-wide pinstripes. Onius of course tries to pretend that he is a native of East Quog, Long Island, a town he once visited, which is rustic but close enough to the chic Hamptons. (Onius slips though, when he's had a couple of extra dry Tangueray martinis straight up with a twist; then he pronounces "chic" as "chick" and begins flapping his arms instead of pronouncing it like "chic" even though any Arab will tell you it's pronounced "shake" as in "milkshake.")

Anyway we were on Onius' back porch in Cape Porpoise; he will tell you he bought the place because it is close to the chic spots like Ogunquit and Kennebunkport. Onius had just waded back through the clam flats, wiggling his toes in the mud as he waded, happy as the inhabitants of the mud themselves. We were sitting on the porch, he with his Budweiser and I with my martini, watching the sunset and watching the paint peel from the inside of the porch roof.

"Onius," I said, "What do you think of President Carter's purge?"

"What do I think?"

"Yes, that's what I asked," I replied.

"...Not much."

"Well what do you think of the fact that he fired them because they weren't loyal?"

"Makes sense to me."

"True, but what do you think of the fact he fired them because they were competent?"

"Well...I s'pose there's plenty of competent men out there that would be loyal and carry out the President's policies too, you know? Course, that's a long as the President's got some policies and frankly I don't remember what his policies were." Onius reached for another Budweiser, around the

sixth, and his English had begun to slip.

"Well, what do you think of the fact that he fired Blumenthal because he kept calling the White House and convincing the President that he should overturn the decisions of the head of the Office of Budget and Management, the successor of Bert Lance?"

"Sounds like he fired the wrong man...that what that head of your'n is leading up to, ain't it?"

"Well, Onius, as usual, you're working one step ahead of me."

"Now, you're goin' to ask me what I think of this Hamilton Jordan fellow...well, before you ask, I'll tell you. Any man that goes to parties where they supply the women with size fourteen bathing suits sounds like he didn't growed much past age twelve give or take a year or two. But you know they say he's a real whiz kid when it comes to them political strategy sessions...you know, and like my smart-ass daughter, Georgia, is always saying, most men have the 'motional development of twelve-year-olds anyway. I've always suspected she was right. So I guess I won't blame the man for that. Then women in my day never developed any horse sense; they always needed to lean on somebody, to have someone around to catch them when they swooned."

"Well, Onius, what do you think of Carter's speech?" As all the national network commentators were saying, it sounded a little too much like a sermon."

"Now, that's where you're wrong. New York is much more sophisticated than the rest of the country." Onius leaned forward; when he gets angry, his English suddenly improves. "The rest of the country has spent most of the seventies going back to fundamentalist religion. Besides, even if Carter wasn't appealing to the whole country, he was certainly appealing to his native South, and they say that's his biggest worry right now since he wasn't done much for the blacks."

"But he put Patricia Harris in HEW, a much bigger bureaucracy than HUD."

"Ah, com'on now, anyone with sense can

see that's window dressing."

"Onius, you're showing your admission."

"Nope, I don't mean to bismirch her. I'm sure she's both competent and loyal, but you can't call one cabinet change enough to satisfy the black consthchuienc... the black voters... and I don't blame them."

"But, Onius, all the gains made by the minorities, all the programs were cut because of the economy."

"Sure, maybe that's so, but three's always goin' to be a scapegoat and Carter's got bad press. Politicians always pretend to have the answers so they can't start dissembling about the economy; that's not leader-like. Not unless they admit to being human from the start."

"Well..."

"Now you're goin' to ask me what do I think of Carter, the man himself... well, I'll tell you. I think he's sincere, but you'n know the expression 'feet made of clay'? I think he's got a head full'n of that red Georgia stuff. What I mean to say is he hasn't got much common sense... Any president would be havin' trouble with Congress right now... but anyone with any sense would see what with Proposal 13 bills popping up all over, you can't ask for a government onus to it."

I was listening to this last tirade through the kitchen window where I was mixing myself a second martini, a good vantage point from which to watch Onius begin to rock back and forth more and more vigorously, making the porch floor boards, in dire need of paint, squeak wretchedly.

"As a matter of fact, Carter seems an awful lot like a hog sphinx..."

Visions of the Egyptian sphinx with swine rooting at its base began to swirl through my head. Onius droned on.

"Now you're goin' to ask what a hog sphinx is. You know what an ichneumon fly is?"

"No..." I shouted.

"You know what a Braconid is?"

"No," I replied wearily.

"You'n know what the hymenoptera family is?"

"No, but I've a strange premonition I'm about to find out."

"A hog sphinx is a caterpillar—"

(The glorious hogs disappeared and caterpillars appeared as if by magic, crawling all over the spinx.)

"But really, the hog sphinx always reminded me of a gored bull, I mean a well-irritated one with dozens of spears sticking out of him—before the matador does him—"

(The picture was getting quite littered, really, bulls, caterpillars, and hogs bothering the poor sphinx. My head was swirling with gin.) "Onius, get on with the analogy will you?"

"Well, a hog sphinx is a caterpillar that is often parasitized by hymenoptera, often ichneumon flies. The flies lay eggs inside the skin of the caterpillar which feed on it. Eventually they grow white cocoons with stick out of the green caterpillar like the quills of a—"

"Don't tell me—a porcupine or like a gored bull—"

"Yup... now it seems to me Carter's like a hog sphinx caterpillar carrying all these Georgians on his back and sort of gored by events, like any president..."

After this last, the squeaking suddenly ceased.

"Well then Onius, if you feel so strongly, what do you think of Kennedy and Reagan," I shouted as I poured the drink.

"Oh Jesus... Russell, just let me sit here with my beer, will you?"

Of course, since that talk with Onius, Andy Young bit the dust too, and I suspect that when one clears all the bilge away there's quite a handsome bit of truth (or as he would have it, "just plain common sense") to what my good neighbor Onius had to say that mid-July evening.

Yours

Russell P. Pillsbury, III

Name That Cite

"And that really brings it down to the tomato. And of course, when a tomato has been splashed all over your clock, you don't like it."

WIN A BLIMPIE!

Submit your Entry to *The Advocate*, Room 048A.

Winner will be chosen from correct entries.

Moot Court: Well Worth It Continued from page 1

dents and faculty present far outnumbered those from N.Y.U., despite the fact that both schools are in the City. Marcus noted that "of all the schools, local and out of town, only Fordham had a substantial number of faculty and interested students present. It shows that we have a community here."

Despite the amount and intensity of time that they put into the Competition, the team has no regrets. (Though Tureff was overheard to say that he "never wants to hear about jury trials again.") Hilly said, "I discussed it with Don the day after our last argument, and we agreed that it had been a positive experience, and would do it again. I know from past Moot Court experience that the things I learn I never forget."

Professor Marcus agrees that Moot Court is a valuable experience. "Moot Court teaches the team members how to develop a brief, through the first stage where the issue seems simple, the second stage where there seem to be fifty relevant issues, and the

final product where the ideas have flowered into place. After the Competition is over, the team members are ready for actual litigation."

The importance of the National Competition was underscored by an article in the February 18th *The New Yorker* describing the final argument, in which Texas Tech defeated Boston College. *The New Yorker* reporter spoke with Judge Charles D. Breitel, the former Chief Justice of the New York Court of Appeals, who said, "I've been involved in a lot of moot courts, and I've taught a lot of classes, and I'm convinced that this is one of the most broadening experiences a law student can have. In law school, it's unusual to get experience in appellate proceedings, so this gives these people something they might never have otherwise. And we get feedback from the students who participate here, telling us how much they feel they've benefited. I have a hunch we'll be hearing from these young people again."

To the Dean:

¹pep-per-corn \ 'pep-er, korn, -pə, kó(ə)n\ n [ME *pepercorn*, fr. OE *piporcorn*, fr. *pipor* pepper + *corn* — more at CORN] 1: a dried berry of the black pepper 2: a trifling return by way of acknowledgment — compare PEPPERCORN RENT
²peppercorn \ 'pep-er, korn\ adj 1: consisting of a peppercorn: TRIVIAL 2 of hair: woolly and closely spiraled into twisted clumps or knots (the ~ hair of the Hottentots)

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March 1st
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Letter

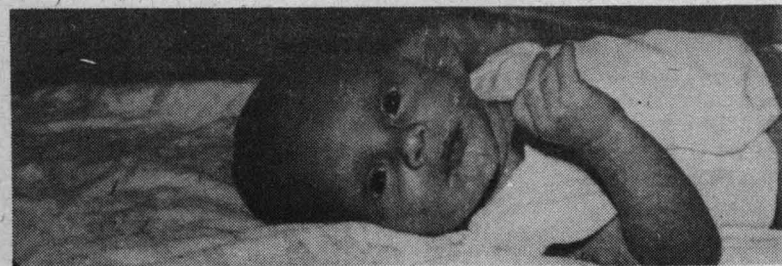
Dear Editor:

Many thanks for sending me a copy of *The Advocate*. It was a pleasure not only to catch up on the news from FLS, but also to see what a professional publication *The Advocate* has become. Congrats!

All goes well here—it has been a busy fall, with two new casebooks and a new son (born September 8th, 6 lbs., 10oz.). I'm enjoying it, but I miss New York sometimes.

Regards,
Mike Martin

Professor Martin sent *The Advocate* this picture of his son Andy, "taken at about 1½ months—since then he hasn't really changed all that much. He is bigger though—18 lbs., 3 oz. at 5 months. *The Advocate* joins the rest of the Law School in sending congratulations to Mike and Ellen Marton on the birth of Andy (Class of 2004?).



SBA Election Rules

- The positions on the S.B.A. Executive Committee are four: President, Vice-President, Secretary and Treasurer.
 - Any person seeking an Executive Committee position must be a dues paying member of the Student Bar Association.
 - Presidential nominees must be third year day or fourth year evening students in the 1980-81 school year.
 - Any student wishing to declare candidacy must present a petition with a declaration of intent to run for a particular position to a member of the Election Committee. Said declaration of intent must be signed by the nominee and fifty (50) dues paying members of the S.B.A. Said declaration must also be received by a member of the Election Committee no later than 9 P.M. on Friday, February 22, 1980.
 - Any position receiving only one nomination will be filled by that nominee only if he/she receives a majority "Yes" vote in the general election. If such a majority is not received by the nominee, a special election for the position(s) will be held. The original nominee is not barred from running in the special election.
- Candidates may run singly or on tickets.
- Each candidate may display posters as of February 25, 1980. No candidate may appear in any manner on more than four (4) posters. That is, no person may be named or alluded to by party in more than four (4) posters.
 - Posters may only appear in the stairways and no poster may be affixed to any painted wall.
 - No poster may be larger than 28 x 22 inches.
 - The Election Committee will arrange a schedule for presidential candidates to speak. Other members of the party may attend these speeches, but time does not permit their participation.
 - No more than \$25.00 may be expended per campaign. This \$25.00 is a fair market value figure and candidates may be requested to submit expenditure records to the Election Committee.
 - Any write-in candidate must abide by the election rules regarding publicity and speeches.
 - Elections will be held in the main foyer from Tuesday, March 11, 1980 to Thursday, March 13, 1980. Tallying will take place at the close of the final day of voting.
 - Any problems or complaints should be addressed to the Election Committee. The decision of the Committee is final and binding.

SBA News

Calling all singers, dancers, musicians, comedians and any other talented law students (or faculty). The SBA needs you!

On Saturday, March 8th, the SBA will sponsor a Law School Cabaret. To be held in the Faculty Lounge on Lowenstein's 12th floor, this party will allow all the frustrated singers and dancers in our midst to be a star for the night. Anyone interested in participating in the Cabaret should see Marybeth Sullivan, Dan Heyman or Charlie Bryant. The party will also feature an open bar and dancing after the show.

Other upcoming events include evening division parties, a PAD party and the annual basketball trip to lovely Springfield, Massachusetts.

First Year Legal Writing
Second, third and fourth year students will soon have the opportunity to serve as judges and clerks for the First Year Oral Arguments, the annual finale to the Legal Writing course. Be on the lookout for notices and schedules inviting your participation.

ALL CANDIDATES!

Submit platform (double spaced, 37-space lines, 50 line limit) and have picture taken by *The Advocate* on MONDAY, MARCH 3rd. Because of printer deadlines, NO EXTENSIONS (or tolls). For picture times, check *Advocate* bulletin board.



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Why are so many first year students enrolling in bar review courses?

Until a few years ago no one thought about a bar review course before their senior year. Today, however, close to half of all those taking courses enroll in their first or second year of law school and early enrollments in at least one major bar review course—the Josephson BRC (Marino-Josephson/BRC in New York)—are at an unprecedented rate. There are three apparent reasons for this development none of which have anything to do with preparation for the bar exam itself.

First, more and more law students are looking ahead at the spiraling costs of legal education in general, and bar review courses in particular. Over the last three years tuition costs of bar review courses have risen between 20-30% (\$100-\$150) in most states and the next three years could be worse. Under special early enrollment programs, students (with only a moderate deposit) actually roll back tuition costs to less than 1979 prices.

In New York, for example, this means that a student enrolling early will pay only \$325 as against a likely \$495 tuition in 1981 and \$525 tuition in 1982. In New Jersey and Pennsylvania (where fewer subjects are tested), the early enrollee may receive the course for \$250 (Basic Course) or \$325 (PLS Course) representing at least a \$100 savings from 1981 prices.

Second, in return for the benefit of assured enrollments and anticipated lower marketing costs, the BRC course has developed an extremely attractive package with the Center for Creative Educational Services (CES) called National Alliance to Fight Inflation (NAFI), which provides immediate benefits that substantially exceed the required deposit. The newest program (terminating March 21 in most states) provides a generous assortment of study aids and cash discounts which many first year law students have found to be irresistible.

For a payment of \$50 (which will be fully credited toward bar review tuition), the student receives free first year outlines in four major areas (Contracts, Criminal Law, Criminal Procedure and Torts), a free cassette tape program on "How to Write Law School Exams," two 50% cash coupons on *Sum & Substance of Law* tapes (worth about \$30) and a Preferred Student Discount Card entitling the student to a 10% cash discount on all CES purchases made from a CES or BRC office. Moreover, the student can exchange the four first year outlines for another four outlines in the second year at no extra cost. The value of the outlines and discounts exceeds \$100 and the ability to roll back the bar course tuition probably saves well over \$100.

Third, there has been a conscious effort by BRC and Marino-Josephson/BRC to remove psychological impediments to early enrollment by allowing free transfer to any BRC course in the country in the senior year (for the student who is not sure what state he or she will practice in), and a no penalty withdrawal for students who drop out or fail out of law school.

Another factor which has undoubtedly contributed to the early enrollment momentum is the increasing reputation of the BRC courses and CES materials and tapes. Special impartial studies done by law school administrators have consistently shown that BRC students outperform others at each level of class standing. Much of this success is attributed to BRC's unique Programmed Learning System (PLS) and its emphasis on writing and testing skills. As a result, in 1980, BRC expects to enroll over 14,000 students nationwide. At the same time, the CES *Sum & Substance* series of books and tapes has gained widespread recognition among both law students and teachers as the finest law study aids available.

Whatever the reasons, however, the facts are clear: more and more first year students are thinking ahead and enrolling in BRC courses now.

Josephson Bar Review Center of America, Inc.

Marino-Josephson BRC / New York Office: 71 Broadway, 17th Floor, New York, NY 10006, (212) 344-6180

— Advertisement —

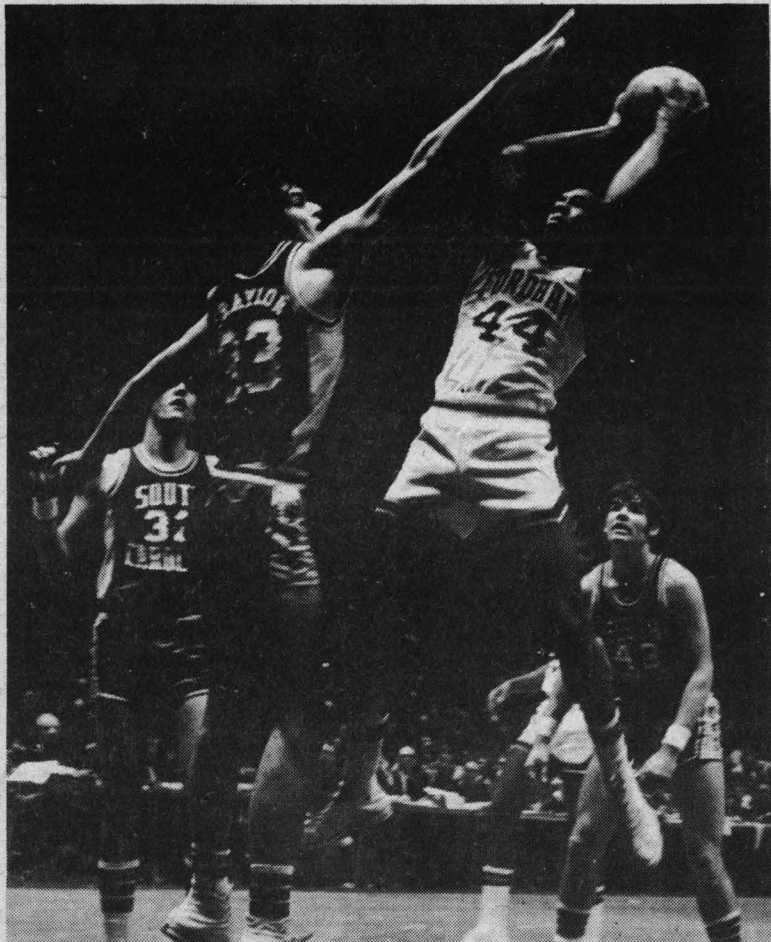
Charles' Smooth Transition Game: NBA to ABA

by John "The Coach" Leo
Ken Charles, a former Fordham University basketball player, spent 5 years playing Pro Basketball, 3 with the Buffalo Braves and 2 with the Atlanta Hawks and is now a first year law student at Fordham. I took a few moments to get up close and personal with Ken Charles.

The Coach: How did your pro basketball career come to an end?
Charles: When Ted Turner took over the Atlanta Hawks, he wanted to cut salaries. I along with Truck Robinson and Ron Behagen were among those Turner sought to cut salaries on. I went to arbitration to get my money and after that I didn't feel like playing. The whole episode turned me off. My ability was not in question. As a matter of fact I almost played at Buffalo, and was asked to come out. But I decided it was time to go on. Pro sports is short term. The average player plays for 3.8 years. The only Knick who was there 3 years ago is Earl Monroe.

The Coach: Why Law School?
Charles: I always wanted to do it. I really never planned on going to the Pro's. If I had planned on going Pro, I would have gone to a big basketball school and not Fordham.

The Coach: What adjustments did you have to make after being out of school for a few years?
Charles: I had to read things 3 or 4 times. The discipline needed is different. When playing Pro ball you never really get out of shape. You



Ken Charles

may gain a few pounds in the off season but basically you gauge yourself so that you never get out of shape. At Law School, there was no gauge, I just took it as it came and dove in head first.
The Coach: Compare the pressure you face in Law School to the pressure faced in the Pros?
Charles: It is most like rookie camp. In rookie camp, you haven't

achieved anything yet. There are so many great players that never make it. In college we only played a few national teams, so at rookie camp I was finding out how good I really was. In rookie camp there are morning and afternoon practices and it is a week long so if you have a bad practice you can make it up that afternoon or the next day. But you can't afford a bad exam

because there is no making it up in the afternoon or the next day.

The Coach: What about the women?
Charles: One of the true things about Pro Ball is the last thing you have to worry about is women, there are women all over the place.

The Coach: How was the food on the road?
Charles: I got \$28.00 per day for food and used all of it. But for \$1.50 you can get comparable food in the cafeteria.

The Coach: How do coaches fit into the picture?
Charles: Depending on your coach, you have different experiences in the Pros. For example, and this has nothing to do with their basketball acumen, Hubie Brown believes in strict discipline and curfews, while Jack Ramsey is laid back and doesn't believe in curfews. Players under each would come away with a different

perspective of Pro ball.
The Coach: What was your most memorable moment in your college career?
Charles: My father was very anti-sports. During my senior year in college, he came to watch me for the first time. The game was in the Garden and I scored 46 points.
The Coach: What about in the Pros?
Charles: Starting my first playoff game.

The Coach: What do you want to do in the future?
Charles: I think I will be in the sports area to a degree, basically for two reasons, first I know enough of the players and second, after playing I see needs that are there and not being taken care of.
The Coach: Who would you rather be interviewed by Dick Young or John Leo?
Charles: John Leo, hands down.

Basketball Standing as of February 19		
	Wins	Losses
2B	6	0
1B	5	1
2A	3	3
1A	3	3
3A	3	3
4E	2	4
2B2	1	5
3B	0	6

Advocate Classifieds

WANTED: Fiction, Poetry, Haiku. Send to Ron Sobieraj "The Monthly," Box 882, Fordham University, Rose Hill, P.O. Box 37, Bronx, NY 10438.
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